



5/047/048

Wame - needs to mine fish

# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
VERNAL DISTRICT OFFICE  
170 SOUTH 500 EAST  
VERNAL, UTAH 84078

TAKE  
PRIDE IN  
AMERICA

RECEIVED  
DEC 06 1990  
REPLY REFER TO:  
3809.3-2  
(UT085)  
UMC 327438

CERTIFIED MAIL  
Return Receipt Requested  
P 125 310 823

DEC 5 1990

DIVISION OF  
OIL, GAS & MINING

DOGM  
MINERALS PROGRAM  
FILE COPY

## DECISION

Mr. Joseph LaStella  
RFD #3, Box 178  
Springville, UT 84663

:  
:  
Sno-Ben # 2  
:

### Notice of Noncompliance

On August 6, 1990, I issued an order that required you, within 30 days, to begin reclaiming all the disturbed areas within your Sno-Ben #2 project area, including filling in any excavated areas, recontouring to resemble the original shape of the terrain, spreading topsoil throughout these areas, and reseeding. You were also ordered to do the same for all your disturbances, including the eight test pits you dug outside of your operational area. Further you were ordered to remove the trailer house. You have not complied with my orders nor have you appealed my decision of August 6, 1990.

Because of your failure to comply, under the Code of Federal Regulations (CFR) at 43 CFR 3809.3-2(e), I am hereby requiring you to file a Plan of Operations in accordance with 43 CFR 3809.1-5 for all future operations on mining claims located on lands administered by the Vernal District Office of the Bureau of Land Management. This applies to all future operations except those defined as casual use under 43 CFR 3809.0-5(b) and authorized by 43 CFR 3809.1-2. The requirement for filing a Plan of Operations specifically includes those operations that normally would have been conducted under a Notice filed under 3809.1.3. In addition, such an operation would be bonded under bureau policy established August 14, 1990.

You are hereby ordered to submit to me, detail on how you intend to proceed with the full reclamation of the disturbances relative to your Sno-Ben #2 operations within 30 days of receipt of this letter. Since your project area is the same as the previous operator, Mr. Snow, you are responsible for the reclamation of all the disturbances. I will determine if the details meet the regulatory requirements and are adequate. You will be required to complete the above reclamation within thirty days of receiving my approval. The reclamation will be inspected to assure compliance.

This reclamation must be accomplished to prevent further unnecessary and undue degradation of the environment. If you fail to follow the above order the BLM will conduct the reclamation and initiate procedures to collect the expenses of such reclamation from you.

Wage: do we have an exp a Sno  
on those? How can we  
support BLM if they need it?

You have the right to appeal to the Utah State Director, Bureau of Land Management, in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal or modification of the decision, must be filed in writing at this office within 30 days after the date of this decision. This decision will remain in effect during appeal unless a written request for a stay is granted.

Sincerely,

  
David E. Little  
Vernal District Manager (Acting)

cc: Mr. Lowell Braxton, DOGM  
Utah State Office (U-920)  
Joseph LaStella



**Memorandum**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO:

DEC 5 1990

3809  
(UT085)  
UMC 327438

To : District Managers, Salt Lake and Moab, Utah; Date:  
Craig and Grand Junction, Colorado; Rock Springs, Wyoming  
FROM : District Manager, Vernal

SUBJECT: Record of Noncompliance

For your information, I am enclosing a copy of a notice I sent to Mr. Joseph LaStella of Springville, Utah. He has now established a record of noncompliance as he has abandoned a placer mining operation and has failed to conduct reclamation of his disturbances as previously ordered. This site is causing unnecessary and undue degradation to the environment. Therefore, I am requiring that Mr. LaStella file a plan of operations for those activities that would otherwise be conducted under a notice, and that mandatory bonding be imposed.

This order will be rescinded in writing when appropriate and I will notify you of any change. If you have any questions, please contact Howard Cleavinger or Peter Sokolosky at (801) 789-1362.

## Attachment

cc: State Director (U-921)  
State Director (C-921)  
State Director (W-921)  
Joseph LaStella

*Gay R. Hunter*  
(Acting)

## CHRONOLOGY

### **SNO-BEN #2 MINE S/047/048**

(revised December 10, 1990)

August 10, 1988	Received copy of the 6/10/88 NOI filed with the BLM by Overlook Limited, Inc. Site is at T5S, R24E, Sections 6 & 7, Uintah County, along the Green River.
August 19, 1988	Sent letter to Overlook requesting completion and submission of the enclosed MR-SMO form.
September 22, 1988	Received copy of the approved Application to Appropriate Water granted to Sno Ben, dated 8/19/88. Expires 8/19/89.
October 27, 1988	Letter to Overlook regarding site visit of 10/14/88. A copy of the rules and a MR-SMO form (to be completed and submitted) are enclosed. Overlook was informed of their need to contact the Division of Water Rights and the Division of Environmental Health for approval of the mining operation.
February 3, 1989	Received copy of letter from BWPC to Leo Snow (claimant of Sno-Ben #2) requesting that information describing the mining operation be submitted by 2/28/89.
February 6, 1989	Request for 1988 annual report sent to Overlook. [Nothing received by DOGM].
January 5, 1990	Request for 1989 annual report to Overlook. [Nothing received by DOGM].
February 26, 1990	Received BLM file information for Sno-Ben #1, #2, #3 and #5. BLM received the information 7/17/89. Sno-Ben #2's activity will be restricted to 5 acres of disturbance. No toxic materials will be utilized. Topsoil will be stored for further reclamation.
April 2, 1990	Received copy of BLM's Notice of Noncompliance of 3/30/90 sent via registered mail to Joseph LaStella as operator of the Sno-Ben #2 site. (BLM background information included in letter).



April 25, 1990	Received copy of BLM's 4/23/90 Notice of Noncompliance sent vial registered mail to <u>Leo Snow, et.al.</u> , for <u>Sno-Ben #4 and #5</u> .
June 6, 1990	DOGM registered letter sent to LaStella regarding the BLM Notice of Noncompliance. DOGM has not received an application nor issued a permit for the Sno-Ben operation. Rule R613-003-111 regarding failure or refusal to conduct reclamation is quoted. Failure to comply with the BLM directives or the State Mining Regulations may result in issuance of an Order to Show Cause requiring LaStella to indicate why the State should not require immediate reclamation of the site.
July 12, 1990	Registered letter of 6/6/90 returned to DOGM unopened.
July 25, 1990	Received copy of 7/24/90 BLM registered letter to Leo Snow, et.al., regarding noncompliance at the Sno-Ben #4 and #5 sites.
August 6, 1990	Received copy of BLM 8/6/90 letter to the State Director asking for assistance in delivering a letter of Noncompliance to Mr. LaStella. Registered letters of 3/30/90 and 4/30/90 were undelivered. The site appears abandoned with nearly 5 acres unreclaimed, 8 test pits open and an unsightly house trailer.
August 22, 1990	File memo regarding DOGM-BLM site inspection of 8/16/90. The disturbance covers approximately 4 acres and consists of several gravel piles, miscellaneous mining equipment and junk, a PVC pipeline from the river, a pit area, roads and a blown over trailer house. Photos were taken to document the visit.
<b>Note:</b>	Sites for the Pebble Puppy #2, Sno-Ben #4, and Sno-Ben #5 are nearby and were also visited.
October 1, 1990	Received copy of 9/28/90 BLM registered letter to <u>Leo Snow et.al.</u> , regarding noncompliance at the <u>Sno Ben #4 and #5 sites</u> .

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Chronology  
Sno-Ben #2  
S/047/048

December 6, 1990

Received copy of 12/5/90 BLM registered letter to LaStella regarding the Notice of Noncompliance for Sno-Ben #2. Also received copy of the letter sent to BLM district managers in Salt Lake and Moab, Utah; Grand Junction, Colorado; and Rock Springs, Wyoming, informing them of the record of noncompliance. LaStella is ordered to submit, within 30 days of receipt of this letter, details on how full reclamation of the Sno-Ben #2 site will be accomplished. If the order is not followed, the BLM will conduct reclamation and initiate procedures to collect the expense of such reclamation from LaStella.

jb  
MNS047048.1



SNO-BEN CLAIMS

T4S

T5S

T4S

T5S

Daniels Ranch

Power Line

Gaging Sta

RIVER

VIA BLM MTLs

RECEIVED 2-26-90

FROM PAUL M. ANDREWS  
BLM  
BOOK CLIFFS AREA  
MANAGER

INTERIOR-ECOLOGICAL SURVEY WASHINGTON, D.C. - 1967  
R. 23 E. R. 24 E. 648000m E.

ROAD CLASSIFICATION

10° 15' Mapped, edited, and published by the Geological

109° 15'



5/047/048

FROM BLM 8-16-90

4.9 ACRES TOTAL DISTURBANCE



pump

trailer

last excavation

water line

partially reclaimed area

settling pond

200 ft

Sno-Ben #2 project area